

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

M.H., et al.,

Plaintiffs,

v.

COUNTY OF ALAMEDA, et al.,

Defendants.

Case No. 11-cv-02868-JST

**ORDER CORRECTING ORDER
APPROVING MINOR'S COMPROMISE**

Re: Dkt. No. 443

Good cause appearing, Plaintiff's request that the Court correct the Order Approving Minor's Compromise, ECF No. 109, is GRANTED. The corrections are listed on the "Clarification To Order Approving Minor's Compromise" that is attached to this Order as Exhibit A.

It is clear that the Court's original order contained errors that were generated by the Court, and that the requested modifications merely conform the Court's order to the terms of the annuity as they were originally submitted.

IT IS SO ORDERED.

Dated: January 6, 2016



JON S. TIGAR
United States District Judge

United States District Court
Northern District of California

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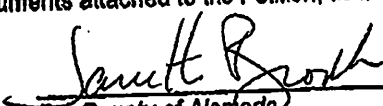
EXHIBIT A

**CLARIFICATION TO ORDER
APPROVING MINOR'S COMPROMISE**

On October 4, 2013, the United States District Court for the Northern District of California issued an Order ("Court Order") in the case captioned, *M.H. v. County of Alameda*, No. 11-cv-02868-JST. Please allow this Clarification Letter and the following representations to serve as clarification for the annuity information contained in the Court Order.

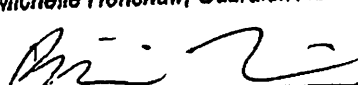
1. The Court Order indicates that a net settlement amount of \$745,725.27 will be used to purchase an annuity from Berkshire Hathaway Company of Nebraska ("BHLN"). However, the quote attached to the Petition seeking court approval of the compromise indicated that the annuity premium is \$745,725.00.
2. The Court Order indicates that "[t]he settlement provides for monthly payments of \$333.33 until M.H. reaches the age of twenty-one." However, the settlement agreement filed for the Court's approval provided that the last payment of \$333.33 will occur on July 1, 2021, a date on which M.H. will be seventeen years of age.
3. The Court Order indicates that after the payments of \$333.33 per month cease, such payments will be "followed by monthly payments of \$2,605.00 for the next twenty-five years." The settlement agreement filed for the Court's approval provided that \$2,605.00 per month will be paid for the life of M.H., twenty-five years guaranteed, with the first payment commencing on July 1, 2024, and the last guaranteed payment occurring on June 1, 2049.

The parties to this Clarification Letter acknowledge that the proper annuity payment terms were placed before the Court, and possible discrepancies between such terms and the Court Order merely reflect a scrivener's error by the Court, having no impact on the settlement. Accordingly, the parties agree that the annuity payment terms as outlined in the Petition before the Court will govern the annuity payment schedule to the extent the Court's payment terms differ from the documents attached to the Petition, as memorialized above.

Signature:  Date: 2/24/15
For County of Alameda

Signature:  Date: 1/10/15
For Corizon Health, Inc.

Signature: _____ Date: _____
Michelle Henshaw, Guardian Ad Litem for M.H., a minor

Signature:  Date: 9/2/15
Benjamin Nisenbaum, Attorney for M.H., a minor, through his Guardian Ad Litem,
Michelle Henshaw